

Order

**Michigan Supreme Court
Lansing, Michigan**

March 30, 2016

Robert P. Young, Jr.,
Chief Justice

152406
152435

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
JOHN DOE 4, JOHN DOE 5, JOHN DOE 6,
and JOHN DOE 7, on behalf of themselves
and a class of all others similarly situated,
Plaintiffs-Appellants,

v

SC: 152406
COA: 321756
Washtenaw CC: 13-001196-CZ

DEPARTMENT OF CORRECTIONS,
GOVERNOR OF THE STATE OF MICHIGAN,
DIRECTOR OF MICHIGAN DEPARTMENT
OF CORRECTIONS, DEPUTY DIRECTOR
OF MDOC CORRECTIONAL FACILITIES
ADMINISTRATION, FORMER DEPUTY
DIRECTOR OF MDOC CORRECTIONAL
FACILITIES ADMINISTRATION, CHIEF
DEPUTY DIRECTOR OF MDOC
CORRECTIONAL FACILITIES
ADMINISTRATION, WARDEN OF CARSON
CITY CORRECTIONAL FACILITY, WARDEN
OF CHARLES EGELER RECEPTION AND
GUIDANCE CENTER, WARDEN OF
EARNEST C. BROOKS CORRECTIONAL
FACILITY, WARDEN OF GUS HARRISON
CORRECTIONAL FACILITY, WARDEN OF
RICHARD A. HANDLON CORRECTIONAL
FACILITY, WARDEN OF OAKS
CORRECTIONAL FACILITY, WARDEN OF
THUMB CORRECTIONAL FACILITY,
WARDEN OF CHIPPEWA CORRECTIONAL
FACILITY, WARDEN OF MARQUETTE
BRANCH PRISON, and WARDEN OF
BELLAMY CREEK CORRECTIONAL
FACILITY,

Defendants-Appellees.

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
JOHN DOE 4, JOHN DOE 5, JOHN DOE 6,
and JOHN DOE 7, on behalf of themselves
and a class of all others similarly situated,
Plaintiffs-Appellants,

v

SC: 152435
 COA: 321013
 Washtenaw CC: 13-001196-CZ

DEPARTMENT OF CORRECTIONS,
 GOVERNOR OF THE STATE OF MICHIGAN,
 DIRECTOR OF MICHIGAN DEPARTMENT
 OF CORRECTIONS, DEPUTY DIRECTOR
 OF MDOC CORRECTIONAL FACILITIES
 ADMINISTRATION, FORMER DEPUTY
 DIRECTOR OF MDOC CORRECTIONAL
 FACILITIES ADMINISTRATION, CHIEF
 DEPUTY DIRECTOR OF MDOC
 CORRECTIONAL FACILITIES
 ADMINISTRATION, WARDEN OF CARSON
 CITY CORRECTIONAL FACILITY, WARDEN
 OF CHARLES EGELER RECEPTION AND
 GUIDANCE CENTER, WARDEN OF
 EARNEST C. BROOKS CORRECTIONAL
 FACILITY, WARDEN OF GUS HARRISON
 CORRECTIONAL FACILITY, WARDEN OF
 RICHARD A. HANDLON CORRECTIONAL
 FACILITY, WARDEN OF OAKS
 CORRECTIONAL FACILITY, WARDEN OF
 THUMB CORRECTIONAL FACILITY,
 WARDEN OF CHIPPEWA CORRECTIONAL
 FACILITY, WARDEN OF MARQUETTE
 BRANCH PRISON, and WARDEN OF
 BELLAMY CREEK CORRECTIONAL
 FACILITY,

Defendants-Appellees.

On order of the Court, the applications for leave to appeal the August 25, 2015 judgment of the Court of Appeals are considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals opinion considering whether the defendants were precluded, under principles of collateral estoppel, from arguing that the 1999 amendment to the Civil Rights Act, MCL 37.2301(b), is constitutional and whether the 1999 amendment to the Civil Rights Act violates equal protection. In light of the Court of Appeals ruling that plaintiffs' complaint should be dismissed under the Prisoner Litigation Reform Act, MCL 600.5501 *et seq.*, it was unnecessary to resolve the remaining issues. In all other respects, the applications for leave to appeal are DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 30, 2016

Clerk